

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

PHILLIP LINDNER,)	
)	
Plaintiff,)	
)	
vs.)	Docket No. 3:21-CV-396-KAC-DCP
)	
JAYDEN PARKER LANGFORD and)	
CHARLES FREEMAN,)	
)	
Defendants.)	

REPORT OF RULE 26(f), FED. R. CIV. P.
PLANNING MEETING

Pursuant to Rule 26(f), FED. R. CIV. P., and the Order [Doc. 13] entered on February 23, 2022 the parties hereby submit the following Report of their planning meeting that took place by phone on March 3, 2022.

Beverly Nelms, Esq. and James C. Cone, Esq., on behalf of the defendants, and Zachary Burkhalter, Esq., on behalf of the plaintiff, met and conferred by phone, engaged in a substantive conversation concerning the case, including the substance of the parties' legal theories, the facts in dispute, anticipated evidence, and the issues contemplated in Rules 16(a)(1)-(5) and 16(c)(2)(A)-(P), FED. R. CIV. P. The parties jointly report the following pursuant to Rule 26(f), FED. R. CIV. P.:

A. The Nature and Basis of the Claims and Defenses of the Parties

The parties believe that they have a good understanding of the respective claims and defenses asserted. The parties acknowledge that genuine and material disputes between the parties remain as to the allegations of liability, if any, of the defendants for the damages alleged by the plaintiff, causation, and the nature and extent of the damages claimed in the plaintiff's

Complaint. Discovery is needed to further evaluate these issues, especially the nature and extent of the injuries and damages claimed by the plaintiff and defendants' defenses thereto.

B. The Possibility of Prompt Settlement

The possibility of settlement was explored prior to the institution of litigation, and it will be further explored once the parties have the ability to engage in further discovery.

C. Rule 26(a)(1) Disclosures

The parties have agreed to make the initial disclosures required by Rule 26(a)(1), FED. R. CIV. P. on or before April 8, 2022.

D. Discovery Plan

The parties agree as follows:

1. Discovery shall be conducted pursuant to the provisions and limitations imposed by the Federal Rules of Civil Procedure, and Scheduling Order entered by the Court, the Court's Judicial Preferences, Standing Orders of the Court regarding depositions and discovery, and the Local Rules of the United States District Court for the Eastern District of Tennessee.
2. The scope of discovery shall include the circumstances of the automobile wreck that allegedly caused the plaintiff's injuries and damages, the identities of any witnesses, the injuries and damages alleged by the plaintiff, the plaintiff's medical treatment, the plaintiff's past and current medical history, the cause of the plaintiff's injuries and damages, the necessity of the medical treatment and reasonableness of the medical expenses of the plaintiff, information pertaining to defendants, and defendants' defenses to the claims in the Complaint.

3. The parties intend to first serve written discovery and then, if necessary, conduct depositions that they feel are necessary and appropriate. The parties acknowledge and agree that when it becomes necessary to conduct depositions, the parties will work in good faith to hold depositions in person in the Eastern District of Tennessee. If a witness is unable to attend in person, the parties will work together to see if it can be conducted remotely consistent with the Federal Rules of Civil Procedure, the Standing Orders of the Court regarding depositions and discovery, and the Local Rules of the United States District Court for the Eastern District of Tennessee. The parties will work in good faith to schedule depositions by agreement.
4. No other changes or limitations on discovery beyond those imposed by the Federal Rules of Civil Procedure, the Standing Orders of the Court regarding depositions and discoveries, the Court's Judicial Preferences, and the Local Rules of the United States District Court for the Eastern District of Tennessee are deemed necessary by the parties at this time.
5. The parties agree that any claims of privilege or protection of trial preparation materials shall be asserted when responding to discovery in the manner provided in the Federal Rules of Civil Procedure, the Scheduling Order entered by the Court, the Court's Judicial Preferences, and the Local Rules of the United States District Court for the Eastern District of Tennessee. The parties agree to confer about any issues as to any claims of privilege or protection of trial preparation materials in good faith before bringing the issue to the Court for a decision as to issues that cannot be

resolved by the parties.

6. The parties agree that depositions shall be conducted in accordance with the following guidelines:

- a. Counsel shall not direct or request a witness not to answer a question unless that counsel has objected to the question on the ground that the answer is protected by privilege or a limitation on evidence directed by the Court.
- b. Counsel shall not make objections or statements which might suggest an answer to a witness, and statements when making objections should be succinct, state the basis for the objection, and nothing more.
- c. Counsel and their witness-client shall not engage in private, off the record conferences while the deposition is proceeding in session except for the purpose of deciding whether to assert a privilege. Counsel for a deponent may not request a break while question is pending or while there continues a line of questioning that may be completed within a reasonable time proceeding such scheduled breaks.
- d. Deposing counsel shall provide to the witness's counsel a copy of all documents shown to the witness during the deposition either before the deposition begins or contemporaneously with the showing of each document to the witness. The witness and the witness's counsel do not have the right to discuss documents

privately before the witness answers questions about them.

E. E-Discovery

At the Rule 26(f) meeting, counsel for the parties conferred and determined that they do not anticipate extensive electronic discovery. To the extent information is requested during discovery from electronic or computer-based media, parties agree to cooperate to make such information available for inspection and copying. The parties agree that copies of electronically stored information will be produced in its native format to the extent possible.

F. Hearing by Magistrate

The parties agree that they do not consent to this matter being heard by a Magistrate and have filed their Notice of Non-Consent with the Court.

The parties therefore jointly submit this Report of their Planning Meeting pursuant to Rule 26(f), FED. R. CIV. P.

RESPECTFULLY SUBMITTED this the 3rd day of March 2022,

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